IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN

AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. Civil Second Appeal No.241 Of 1998.

Ishwari Prasad Mathur Versus Municipal Council, Kishangarh, Ajmer & another.

Date Of Order ::: 08.11.2006.

Hon'ble Mr. Narendra Kumar Jain J.

Mr. Sunit Awasthi, Counsel for plaintiff-appellant.
Mr. K.N. Gupta, Counsel for defendant-respondents

By the Court :

Heard learned counsel for both the parties.

The plaintiff-appellant filed a suit for specific performance, which was dismissed by the Lower Court. The judgment and decree passed by the Lower Court has been affirmed by the First Appellate Court also.

I have considered the submissions of learned counsel for both the parties in the light of the findings of both the Courts below.

The auction in respect of disputed plot took place in the year 1970, whereas the present suit was filed in the year 1982, therefore, apart from merits of the case, the Courts below have also dismissed the suit of the plaintiff-appellant being barred by limitation.

No illegality or perversity has been pointed out by the learned counsel for the plaintiff-appellant in the findings of both the Courts below.

No substantial question of law is involved in this second appeal and the same is accordingly dismissed in limine with no order as to costs.

(Narendra Kumar Jain) J.

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